

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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VAUGHN SCOTT, NIGERIA SCOTT,  
PRINCE SCOTT, ANDREE HARRIS,  
BRENDA SCOTT, KRAIG UTLEY, COREY MARROW,  
AS A MINOR CHILD, K.M., A MINOR CHILD,  
AND JULIAN RENE,

Plaintiffs,

-against-

14-CV-4441(SHS)

CITY OF MOUNT VERNON, ET AL.,

Defendants.

----- X

HELD AT: Office of Corporation Counsel  
1 Roosevelt Square  
Mount Vernon, New York 10550  
December 7, 2015  
3:30 p.m.

Examination before Trial of the  
Plaintiff, NIGERIA SCOTT, pursuant to Court  
Order, held at the above time and place  
before a Notary Public of the State of New  
York.

J & L REPORTING SERVICE  
of Westchester, Inc.  
50 Main Street, Suite 1000  
White Plains, New York 10606  
(914) 682-1888  
Lisa Dobbo, Reporter

## A P P E A R A N C E S:

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BY: WELTON K. WISHAM, ESQUIRE  
Of Counsel

20th, 2013 correct?

A. Yes.

Q. Approximately what time did they arrive?

A. I'm not sure.

Q. I believe it was about 5:30 or 6:00 in the evening; does that help you recall the events?

A. I'm not sure of the time.

Q. Did you sign any consent for the police officers to search your vehicle?

A. Yes.

Q. Before you signed the consent, do you recall what officer asked you to sign a consent?

A. I'm not sure of his name, no.

Q. Did you have a telephone conversation with the Mount Vernon Police Department prior to the officers entering your apartment at 328?

A. No.

Q. You never had any conversation with any police officers?

MR. THOMPSON: Objection.

MR. WISHAM: You can answer if  
you can recall.

A. I can't recall.

Q. I'm going to show you what's  
been marked as Defendant's Exhibit G and H,  
two different documents.

(Handed)

Q. Did you have an opportunity to  
review them? I showed to your attorney, as  
well.

A. Okay.

Q. Exhibit G at the top, can you  
read what it says at the top of the page?

A. The document says "Voluntary  
Waiver to Search and Seize."

MR. WISHAM: No, I think you're  
looking at Exhibit H; Exhibit G, the  
other page.

A. The document says "Evidence"  
Mount Vernon Police Department.

Q. Can you read the incident  
number?

A. The document says 139571.

Q. That's the incident number;

correct?

A. That's what the document says.

Q. And it says evidence recovered.

Can you read where it says the place where the evidence was recovered?

A. The document says the department -- I can't read that. I think it says --

Q. Do you see in bold it says place evidence recovered?

A. Yes.

Q. Go ahead.

A. The document says 328 S. 2nd Avenue.

Q. And above that, evidence description?

A. The document says evidence description occupant's search warrant.

Q. You indicated earlier that you did consent for the police officer to search your vehicle?

A. Yes.

Q. Can you describe the type of vehicle that you owned on March 20th, 2013?

A. I can't recall. I can't recall the exact -- I can't recall.

Q. Do you recall the color of the vehicle that you owned on March 20th, 2013?

A. White.

Q. Any other features that you can recall?

A. It was like a Caravan. I'm not sure.

Q. It was a white minivan?

A. Yes.

Q. Do you recall how the back windshield appeared on March 20th, 2013?

A. I don't recall.

Q. Now I'd like for you to take a look at Defendant's Exhibit H which is the second document in front of you.

Can you read what it says at the top?

A. The document says "Voluntary Waiver to Search and Seize".

THE WITNESS: The next?

MR. WISHAM: Yes.

A. I, Nigeria Scott, the undersigned residing at 328 S. 2nd Avenue,

Mount Vernon in the County of Westchester in the State of New York and being 23.

Q. 23 years of age?

A. Yes.

Q. What is your date of birth?

A. 9-13-89.

Q. Do you know what this document is?

A. The document says it's a "Voluntary Waiver to Search and Seize", yes.

Q. Does it say what they searched or what the police officers searched?

A. Yes.

Q. What did the police officers search?

A. The document says 2001 Chevy Venture, New York registration GEN 5700 by me.

Q. Was that the vehicle that you owned on March 20th, 2013?

A. Yes.

Q. Is this Exhibit H dated at the bottom?

A. Yes.

Q. What's the date on this exhibit?

A. The document says the 20th day of March 2013.

Q. Is that your signature?

A. Yes, it is.

Q. I would also like for you to take a look at five pages and this has previously been marked as Defendant's Exhibit D. I'm going to show it to your counsel first.

(Handed)

Q. You've had an opportunity to take a look at that exhibit?

A. Yes.

Q. The first page of the exhibit, could you read what it says at the top?

A. The document says Mount Vernon Police Department Incident 139571 DB Case Number 431 --

THE WITNESS: Is that a 2A?

MR. WISHAM: Okay.

Q. Can you read anything else on that document? The evidence description, do



1  
2 you see the place where it says evidence  
3 description?

4 A. Okay, the document says  
5 photographs of New York registration GEN  
6 5700.

7 Q. That's your registration of  
8 your vehicle, the white minivan?

9 A. Yes.

10 Q. Can you flip to the second  
11 page, please.

12 A. Yes.

13 Q. Can you take a look at that  
14 second page and can you identify what's in  
15 front of you on the second page?

16 A. The picture shows the window  
17 gone and plastic.

18 Q. I'm sorry?

19 A. The window gone and plastic.

20 Q. Is that a vehicle that you're  
21 looking at?

22 A. Yes, the document shows a  
23 vehicle.

24 Q. Is that your vehicle?

25 A. Yes, that's a picture of my

1  
2 vehicle.

3 Q. You indicated that this  
4 document you're looking at, your vehicle,  
5 the white minivan, has plastic on the rear  
6 windshield?

7 A. Yes, the document shows that.

8 Q. Do you know who put the plastic  
9 on the rear windshield?

10 A. No, I don't.

11 Q. This vehicle the way it looks  
12 in front of you today as a result of this  
13 photo, that's the same way it looked March  
14 20th, 2013?

15 A. I can't recall.

16 Q. Could you take a look at the  
17 second document.

18 Does that document look familiar?

19 A. I can't recall.

20 Q. What about the third page, can  
21 you describe the images that you see in that  
22 third page of this document?

23 A. The document shows tissue, a  
24 beer.

25 Q. Inside the vehicle?

1

2

A. I don't recall.

3

4

5

6

Q. Were you present when the officers conducted the search of your van? Were you there when the officers searched your van?

7

A. Well, no.

8

Q. Where were you?

9

10

A. I wasn't with the vehicle. I was on the porch.

11

12

Q. You weren't inside 328 S. 2nd Avenue?

13

A. No.

14

15

Q. Did you ever enter the apartment 328 S. 2nd Avenue?

16

17

THE WITNESS: Are you asking me ever period?

18

19

20

Q. Did you enter -- you indicated that you were on the porch during the time the police officers conducted the search.

21

A. Yes.

22

23

24

25

Q. Did you enter the apartment 328 S. 2nd Avenue upon you being on the porch? On that day, did you enter the inside of 328 S. 2nd Avenue?

porch.

Q. And did you?

A. Well --

THE WITNESS: This is going to be too much.

A. I was on the porch at the time that you asked about with the search but prior I was told to get off the porch so before that I was off the porch but I was there like before this happened.

Q. At the time you were told to get off the porch, did you get off the porch?

A. Yes.

Q. Where did you go?

A. I went a couple houses down.

Q. You went to another residence?

A. I was just standing outside.

Q. Outside 328 S. 2nd Avenue?

A. No, I was standing outside another address; a couple houses down and I just stood there.

Q. How long did you stand there?

A. For awhile. I don't recall the

1  
2 Q. Did the officers have any  
3 communication with you other than to ask you  
4 if you would allow them to search your  
5 vehicle?

6 A. Yes, when I first came home  
7 they told -- I came in contact with the  
8 officer and I was told that I can't get in  
9 and I had to stay outside.

10 Q. Why are you bringing this  
11 lawsuit?

12 THE WITNESS: Excuse me?

13 Q. Why are you suing the Mount  
14 Vernon Police Department?

15 A. I feel like my rights were  
16 violated.

17 Q. How?

18 A. I had to stay outside of my  
19 home against my will. I was told. I was  
20 with my niece.

21 Q. Were you injured as a result of  
22 the officers forbidding you from entering  
23 your apartment and having to stay outside in  
24 the cold?

25 THE WITNESS: Injured meaning

how was I hurt?

MR. WISHAM: Yes.

A. Like hurt, no, I wasn't hurt.

Q. Were you injured in any other manner?

A. I believe so.

Q. How?

A. Everything. I couldn't go inside. I was cold. It was just -- that shouldn't have been done to me.

Q. Any other injuries you sustained other than not being able to enter the apartment and having been told to stand out in the cold, anything else?

A. That's it -- I was talked to disgusting. They had no respect.

Q. Do you recall what they said to you?

A. I don't. I know it was nasty and left a bad impression.

Q. Have you seen those officers since March 20th, 2013?

A. Yes, I did.

Q. When did you see them?

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25

A. Yes.

Q. Who was in the apartment at that time, Julian Rene?

A. I don't recall. At the time I got there I remember speaking to one person but there was people there.

Q. Who was that one person there that you were speaking to?

A. My mother.

Q. Your mother's name?

A. Vaughn.

Q. Vaughn Scott?

A. Yes.

Q. What conversation did you have with Vaughn Scott?

A. A simple one. I asked her did she happen to know why me and my niece was outside for so long and couldn't come in.

Q. What was her response to you?

A. She just said, you know, the police were here and they wasn't letting no one in or no one out.

Q. Did she tell you why?

A. She didn't tell me why because

1  
2 by the time -- no, she didn't tell me why.

3 Q. Did you ever find out why the  
4 police were there?

5 A. I mean I heard different  
6 stories but I don't know.

7 Q. What stories did you hear as to  
8 why the police entered your apartment on  
9 3-28-2013, what did you find out?

10 A. I don't recall everyone's  
11 story. I don't recall. I don't know.

12 Q. But do you recall any, do you  
13 recall right now why the police entered your  
14 apartment at 328 S. 2nd Avenue on March  
15 20th, 2013?

16 MR. THOMPSON: Objection.

17 A. No, I don't.

18 Q. No one told you that Julian  
19 Rene had been shot earlier in the day at --  
20 no one had told you the police were there to  
21 investigate a prior shooting and a white  
22 minivan was at the scene of the shooting, no  
23 one told you that?

24 MR. THOMPSON: Objection to

25 form.